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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1644

NICO CERLETTI

Examiner: D. Romeo

APPLICATION NO: 09/813,271

FILED: MARCH 20, 2001

FOR: NEW PROCESS FOR THE PRODUCTION OF BIOLOGICALLY ACTIVE PROTEIN

Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

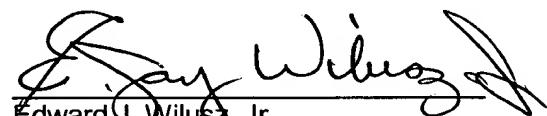
FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is here enclosed.

Respectfully submitted,

  
 Edward J. Wilusz, Jr.  
 Attorney for Applicant  
 Reg. No. 52,370

Novartis  
 Corporate Intellectual Property  
 One Health Plaza, Building 430  
 East Hanover, NJ 07936-1080  
 (862) 778-7960

Date: 4/23/04



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TERMINAL DISCLAIMER

Sir:

Novartis Corporation (previously Ciba-Geigy Corporation), a company organized under the laws of the New Jersey, having a place of business at One Health Plaza, Building 430, East Hanover, NJ 07936, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, over claims 1, 2, 8-23 of prior **Patent No. 6,057,430** issued May 2, 2000. Said Patent No. 6,057,430 is also assigned to Novartis Corporation by virtue of an assignment which the same assignment.

Novartis Corporation hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,057,430 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

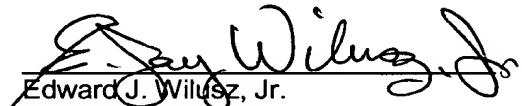
In making the above disclaimer, Novartis Corporation does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,057,430, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to

pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 22<sup>nd</sup> day of April, 2004 by the undersigned attorney of record.

Novartis  
Corporate Intellectual Property  
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East Hanover, NJ 07936-1080  
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Edward J. Wilusz, Jr.  
Attorney for Applicant  
Reg. No. 52,370

ASSIGNMENT

I / We Nico CERLETTI of 4103 Bottmingen, Switzerland

for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to **Ciba-Geigy Corporation, a New York corporation, of 520 White Plains Road, P.O. Box 2005, Tarrytown, NY 10591-9005, U.S.A.**, its successors, assigns and legal representatives all my/our right, title and interest, in and for the United States of America, in and to the invention entitled:

**New process for the production of biologically active protein**

invented by me/us and described in the international application

No. PCT/EP95/02719 filed July 12, 1995

and all United States Letters Patent which may be granted therefor, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by the said **CIBA-GEIGY Corporation**, its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me/us if this assignment and sale had not been made;

And I/we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the said **CIBA-GEIGY Corporation**.

Signed on 19.12.1996



Nico CERLETTI